27th January 1931]

Clause 3 (1) (*b*).

* The hon. Mr. P. T. RAJAN :—" I beg to move that for the word 'in', the word 'on' be substituted."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I second it."

The amendment was put and carried.

* The hon. Mr. P. T. RAJAN :—" I beg to move that for the words 'Government roads', the words 'any Government road' be substituted and for the words 'their reservation', the words 'its reservation' be substituted."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I second it."

The amendment was put and carried.

Clause 3 (2).

The hon. Mr. P. T. RAJAN :—" I beg to move that the word 'very' be omitted."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I second it."

The amendment was put and carried.

Clause 3, as amended, was put, passed and added to the Bill.

Clause 4.

Clause 4 was put, passed and added to the Bill.

Preamble.

The preamble was put, passed and added to the Bill.

* The hon. Mr. P. T. RAJAN :—" Sir, I now beg to move that the Bill, as amended, be passed into law."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I second it."

The motion was put and carried and the Bill was passed into law.

XII.—A BILL TO AMEND THE MADRAS FOREST ACT, 1882 (BILL No. 13 OF 1930).

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Sir, I beg to introduce the Bill[a] to amend the Madras Forest Act, 1882 (Bill No. 13 of 1930), and move that the Bill be taken into consideration at once. This is a formal matter. Under section 46 of the Forest Act, when police officers or forest officers seize articles which form the subject-matter of forest offences, they can be sold—if they are to be sold—only with the order of the magistrate who has jurisdiction to try such offences. But some of these articles happen to be perishable ones which are subject

[a] Published in the *Fort St. George Gazette*, dated 9th December 1930.

[Sir M. Krishnan Nayar] [27th January 1931

to speedy and natural decay. The present practice in such cases is that, because it is not possible to obtain in time the order of the magistrate concerned who very often sits at a distance from the place where these articles are seized, the officers who seize these articles sell them without the order of the magistrate. So, the provision of section 46 of the Act is not complied with. According to law, the existing practice is irregular. The object of this amending Bill is, therefore, to regularize the existing practice and to give powers to the forest or police officers to seize these articles and sell them as they are subject to natural decay. The object of this Bill is to empower the officers to sell these articles before obtaining the orders of the magistrate. There is a provision in the Bill that, as soon as these articles are sold, the sale-proceeds should be remitted to the nearest Government treasury and that the officers should make a report on the matter to the magistrate concerned. I hope my hon. Friends will pass the Bill."

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I second it."

* Mr. Sami Venkatachalam Chetti:—"Mr. President, Sir, as has been explained by the hon. the Law Member, the Bill for all outward purposes, seems to be a very simple one. But it looks as though one more hardship is inflicted on the people. There have been already too many acts of oppression inflicted on the poor villager who allows his cattle to stray. So much so, these grievances in certain parts of the Presidency have been given expression to in a somewhat insistent manner. It is therefore very desirable that the implications of the present Bill should be further examined. If, as has been admitted by the Government, these forest or police officers were doing irregular acts and if we are going to regularize them, I fear, that we will be adding to the oppression of the ryots. I think the Government must put a stop to these irregular practices. Instead of doing that, to ask the Council to regularize what has so far been done irregularly, is to ask the assistance of this Council to add to the oppression which the villagers are put to at present. The villager is so much oppressed that he cannot bear any further oppression. It appears that, if certain articles of the villagers are seized by the police or forest officers, they may be sold at once without obtaining the permission of the magistrate. This will only give a further handle to the police to sell any article that may be seized for a pittance and credit the amount to the Government. I do not know how much loss there was to the Government by not selling the articles before they actually decay and whether it is a loss to the Government or to the villager. Perhaps the articles which the villagers will be taking are ghee, butter or buttermilk. The implication of the Bill is far more serious than it appears to be. I would beg the hon. the Law Member to allow the Bill to be referred to a Select Committee and to be examined by it. I may at once say that I do not know about the oppression which the villagers are put to except what is represented to me by several villagers; but there are several people here who are intimately associated with the difficulties of the

27th January 1931] [Mr. Sami Venkatachalam Chetti]

ryots. Those hon. Members will certainly know whether this provision will lead to further oppression of the villagers or will mitigate their troubles. I therefore move that the Bill be referred to a Select Committee."

Mr. BASHEER AHMED SAYEED:—"Sir, I beg to second the motion."

Mr. ABDUL HAMEED KHAN:—"Sir, while supporting the motion that has been moved by my hon. Friend, Mr. Sami Venkatachalam Chetti, I must say that we are not aware of the enormous disabilities under which the villagers are labouring on account of excesses on the part of the officers of the police or the Forest department. The hon. the Law Member in his justification for getting the Bill through this Council, said that certain irregularities have been existing and that the officers have not been following the rules. The hon. the Law Member instead of taking action and condemning those irregularities committed by the officers, comes forward with a Bill to this Council and wants to regularize the irregularities committed by the officers. This is a procedure which will not be accepted at all by the representatives of the people. If once these irregularities are regularized, we do not know to what extent the forest officers will go. Sir, the restriction that is placed on the sale of these articles by asking these officers to get the permission of the magistrate is a very salutary one. This restriction is quite necessary in order to prevent corruption or any unjust act on the part of the forest officers and in order that the villagers are not made a catspaw by the officers. If we remove this check, if we regularize the irregularities that have been committed so far, if we allow the officers to go on as they like, and if they do not refer the question to the magistrate, we cannot describe the amount of hardship to which the villagers will be put. Therefore, the least that the hon. the Law Member should do is to refer this Bill to a Select Committee so that the pros and cons of this matter will be well thrashed out and if it is absolutely necessary that such a legislation should be enacted, I have no doubt that the Members of this Council will help the Government."

* Mr. C. R. PARTHASARATHI AYYANGAR:—"Sir, in opposing this Bill to amend the Forest Act, I only wish to bring to the notice of the Legislative Council certain powers which are already being exercised by the forest officers which are sufficiently wide to enable them to meet the exigencies referred to in this amending Bill. Formerly, Sir, only third-class magistrates, or even second-class magistrates, were charged with the trial of such cases ; but now, even first-class magistrates are enquiring into forest cases. Therefore, it will be seen that offences under the Forest Act are immediately brought to the notice of magistrates of the first, second or third class, and there is no difficulty felt in that respect. What the hon. the Law Member wants us to do is to consider this amending Bill which will have the effect of removing the subject-matter of an offence from the notice of the enquiring officer at the time of enquiry. The result will be that once the subject- 12-15 p.m.

matter is removed, the persons charged with the offence will be merely at the mercy of the forest officers and these persons who are charged with the offence will be exposed to a risk which is patent on the face of it. I suggest that the subject-matter of the offence should always be placed before the court, in order that the court may see it and the accused also may be given an opportunity of seeing it. The difficulty complained of in the amending Bill will, I think, be got over by bringing the accused persons immediately before the court. Very often we find that cases of forest offences are brought before the magistrates in a short time. If so, where is the extraordinary difficulty in seeing that the articles which form a very important subject-matter of the offence and which are of very great evidential value are placed before the magistrates and the accused in the court itself, for proper examination with reference to the offences? I, therefore, suggest that this Bill should not be allowed to be referred to a Select Committee but should be rejected even now.

"As a matter of fact, there are a number of transport rules now being formulated by the Forest department in different districts. For instance, one district has one set of transport rules and another district has another set of transport rules. So that even in cases where there is the least suspicion or doubt on the part of the forest officers, they may catch hold of the persons and their articles and produce them immediately before the magistrates. I think this difficulty complained of in the Bill can be very easily avoided by producing the accused at once before the enquiring officer, and I therefore suggest that this Bill should not be allowed to go to the Select Committee even."

* Diwan Bahadur M. Gopalaswami Mudaliyar:—"Mr. President, I think there is a good deal of force in what my Friend Mr. Sami Venkatachalam Chetti said, that it is very desirable that this Bill should be referred to a Select Committee, where the provisions of the Bill can be discussed in detail and thrashed out. In that case, we can also find out the way in which the provisions of the present Act are being administered and how the proposed Bill is necessary. I, therefore, submit that the Bill be referred to a Select Committee."

* Mr. Sami Venkatachalam Chetti:—"Sir, I am told that the Government is willing to consider the whole question afresh and bring, if necessary, another Bill after consulting . . . "

* The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"No, Sir, my hon. Friend, Mr. Sami Venkatachalam Chetti, sees in this Bill all sorts of machinations on the part of the Government and all sorts of evil designs, and he referred to a particular instance of ghee or buttermilk becoming the subject-matter of a forest offence. I have never known, Sir, till now, that ghee or buttermilk can become at any time the subject-matter of a forest offence. My other Friend Mr. Hameed Khan also thinks that the Bill will be an additional weapon of oppression in the hands of the forest subordinates. I may assure my Friends that the object of the Government in bringing this Bill is only to protect the

27th January 1931] [Sir M. Krishnan Nayar]

interests of the alleged offenders, because this Bill is intended to apply only to the disposal of those articles which are subject to speedy and natural decay. If they are not sold at once, the chances are that they will fetch no value. And if ultimately the alleged offender is found to be innocent, he would not get the benefit of these articles. If, however, the provision in this Bill is accepted, and if ultimately the offender is found to be innocent, he will have the benefit of having the value of these articles. After all, these articles which are subject to speedy and natural decay consist of such articles as leaves and such other things. However, inasmuch as my Friends see an evil design on the part of the Government, I have no objection whatever to the adoption of my Friend's suggestion, namely, to refer this Bill to a Select Committee—not to bring in another Bill. I therefore, move now that my motion be postponed for the present. I shall, after consulting my Friend, make formally a motion for referring this Bill to a Select Committee and also give the names of Members for that Committee. I move, Sir, that the consideration of this question be postponed."

The motion was duly seconded.

Mr. Abdul Hameed Khan:—" Is it in order, Sir, for a Member who has moved the original motion to move for an adjournment of that motion?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I do so, Sir, because my hon. Friend suggested it."

* Mr. Sami Venkatachalam Chetti:—" I have no objection, Sir, to that course. But I may say, after the hon. the Law Member's suggestion, that I never suspected any evil design on the part of the Government. I only wanted to show to the House that the provision in the Bill might be easily used by the police who have got a special reputation of their own in this Presidency, to oppress the people. I have no objection to withdraw my motion."

The motion that the Bill be taken into consideration was by leave withdrawn.

* The hon. the President:—" Order, order. The question before the House is that the consideration of this Bill be adjourned."

The motion was put and carried.

XIII.—A BILL TO VALIDATE THE CONSTITUTION OF THE SESSIONS DIVISIONS OF EAST AND WEST TANJORE (BILL No. 1 of 1931).

* The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" Mr. President, Sir, this other Bill that I am introducing is an important one. I introduce the Bill[a] to validate the constitution of the Sessions divisions of East and West Tanjore. (After a pause.) I move further, Sir, that the Bill be taken into consideration at once.

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[a] Printed as Appendix IX on pages 288—290 infra.